132 Box 52 - JGR/Supreme Court (5) – Roberts, John G.: Files
SERIES I: Subject File

Call Clegg:

Get all on Inter-circuit Tribunal and speeches AG gave on caseload problem. Send together with statement in file attached to Zarilli.

CJGR asked me to get the attached materials together and forward to you.)

RLC

MEMORANDUM OF CALL Previous editions usable

TO: John

☐ YOU WERE CALLED BY– ☐ YOU WERE VISITED BY–

Vincent Gasilli

OF (Organization)

☐ PLEASE PHONE ☐ FTS ☐ AUTOVON

617 723-7163

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

Natl. Court of Appeals letter re F3 in early Dec.

RECEIVED BY | DATE 1/30 | TIME 9:20

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
Prescribed by GSA
FPMR (41 CFR) 101—11.6

☆ U.S.G.P.O.: 1984-421-529/326

MEMORANDUM OF CALL

Previous editions usable

TO: John Roberts

☑ YOU WERE CALLED BY– ☐ YOU WERE VISITED BY–

Vincent Zarrilli

OF (Organization)

☑ PLEASE PHONE ▶ ☐ FTS ☐ AUTOVON

617-723-7163 (tomorrow)

☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

today after 4 call
617-523-9210

re: letter on (84-12-10)
"Natl. Court of
appeals").

RECEIVED BY	DATE	TIME
NLB	1-28	11:10

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
U.S.G.P.O.: 1983 -421-529/321 Prescribed by GSA
FPMR (41 CFR) 101—11.6

280418

ID # _____ CU

JV

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Vincent F. Sarubbi

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

Subject: National Court of Appeals

ROUTE TO: | **ACTION** | **DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
W Holmes	ORIGINATOR	80/12/10			1 1
	Referral Note:				
DPT	2	80/12/10		S	80/12/21
	Referral Note:				
		1 1			1 1
	Referral Note:				
		1 1			1 1
	Referral Note:				
		1 1			1 1
	Referral Note:				

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: Let's discuss

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

5/81

VINCENT F. ZARRILLI

Box 101, Hanover Station
Boston, Massachusetts 02113

November 30, 1984

280413 cc

Fred Fielding, Esq.
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. Fielding:

You may recall our brief phone conversation several months ago wherein I suggested that executive action was needed to save and improve the floundering National Court of Appeals bill. I herewith enclose material on the subject, and would appreciate your comments.

It was presented as a reconsideration motion directly to the U.S. Supreme Court following the denial of a certiorari petition in an attempt to request the Court to comment, which it declined to do and simply denied the motion.

I respectfully request that you disregard the packaging and evaluate the proposal and arguments on their own merits aimed at influencing the future legislative course of the National Court of Appeals.

Any revision of this material would suggest that a proposed Appeals Court also have a specialized corporate panel in bankruptcy matters as my experience in the interim period indicates that the existing courts of review, however capable they may be in general matters, are often inept in this highly complex area of law.

Very truly yours,

Vincent F. Zarrilli

/ma

P.S. The President may not be aware of the STATISTICS which appear on the next page. I would appreciate your bringing them as well as the proposals to his attention.

IT'S THE BOTTOM LINE THAT COUNTS

U.S. Supreme Court 10 year record of entered cases denied or dismissed WITHOUT A HEARING

Term	Paid Cases	Miscellaneous Cases	Total
1973	1405	1942	3347
1974	1594	1914	3508
1975	1538	1903	3441
1976	1620	2013	3633
1977	1676	1899	3575
1978	1732	1938	3670
1979	1776	1757	3533
1980	1999	1968	3967
1981	2100	2014	4114
1982	1892	1995	3887
	17,332	19,343	36,675

GRAND TEN YEAR TOTAL 36,675

does the

36,675 Supreme Cou

need help?

Source: Compiled from November editions of the Harvard Law Review.

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

September 19, 1983

Mr. Vincent F. Zarrilli
Box 101, Hanover Station
Boston, Massachusetts 02113

Dear Mr. Zarilli:

Thank you for your letter regarding judicial reform.

At present, no hearings are scheduled on the proposed inter-circuit tribunal. However, I assure you that the Committee will keep your comments and your package of information in mind as we study this important issue.

I appreciate your taking the time to express your views. If I may be of any further assistance to you on this or any other matter, please feel free to contact me.

With kindest regards and best wishes,

Sincerely,

Strom Thurmond

Strom Thurmond
Chairman

ST:jcp

United States Senate
COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

February 27, 1984

Mr. Vincent F. Zarrilli
Box 101
4 Garden Court
Boston, Massachusetts 02113

Dear Mr. Zarrilli:

Senator Kennedy has asked me to respond to your recent letter and to the earlier materials you forwarded to him regarding proposals before the Congress to establish a National Court of Appeals.

Senator Kennedy is currently reviewing all the pending proposals on how to best deal with our burgeoning federal caseload. He asked me to express his appreciation for the time and interest you have devoted to this important matter, and to assure you that he will give your proposal every consideration.

Sincerely,

Burt Wides

Burt Wides
Counsel

This letter individually sent to the 18 members of the Senate Judiciary Committee

VINCENT F. ZARRILLI

Box 101, 4 Garden Court
Boston, MA 02113

May 21, 1984

Dear

The enclosed material relates to written proposals which I as a layman with a strong interest in court administration have previously made which may offer a solution to the horrendous problem of the inability of the U. S. Supreme Court to hear cases on the merits. My own research indicates that in the past ten years, 36,675 petitions have summarily dismissed in this fashion.

I believe that you should give serious consideration to this proposal which can be obtained from Senator Thurmond or Senator Kennedy as access to ultimate justice is a fundamental right and belief of all Americans but its practice is now unnecessarily being aborted, which would seem to indicate that your responsibility as a member of the Senate Judiciary is not being properly discharged.

Very truly yours,

Burger steps up pitch for a new appeals panel

For S.S. Judic Cmte 5/10/83

United Press International

WASHINGTON – Chief Justice Warren Burger stepped up his campaign for a high-powered new appeals court today, warning that the overworked Supreme Court – and the entire judicial system – could break down without it.

The new court, proposed by Burger in February, could take over about a third of high court's workload by resolving conflicting decisions among the 13 federal appeals courts.

Eight of the nine justices have complained in recent months that they are overworked, and five have endorsed creation of an experimental panel to resolve the intercircuit conflicts. The high court has handled 42 such cases in each of the last three years.

Defending his idea from "unreasoned resistance," the 75-year-old Chief Justice told the annual meeting of the American Law Institute that his proposed court should be seen as "a different way of resolving conflicts rather than as a novel proposal for a new body of judges.

"Simply because we have functioned with the present structure .... since 1891 is utterly meaningless in terms of the needs of the present and particularly the next 10 to 20 years," he said.

Burger spoke on the eve of a House Judiciary subcommittee hearing on his proposal. A Senate subcommittee plans to continue its consideration of the legislation next week.

The new court, as described by Burger, would be set up as a five-year experiment. If it were successful, Congress could make it permanent. Members of the panel would be present appeals court judges, with one from each circuit selected on a rotating basis.

Although the justices would retain the right of review, Burger predicted they would re-examine very few cases decided by the new panel.

Rejecting the idea of expanding the high court, Burger said adding more justices "would be a handicap, not an asset."

Only changes in routing circuit conflict cases will provide a solution that will preserve the quality of decisions and "avoid a literal breakdown of the system," he said.

Unless some relief arrives, he said, the court will be forced to decide more cases by taking shortcuts through its normal process of arguments and signed opinions.

ARLEN SPECTER
PENNSYLVANIA

COMMITTEES:
JUDICIARY
APPROPRIATIONS
VETERANS' AFFAIRS

United States Senate

WASHINGTON, D.C. 20510

June 8, 1984

Mr. Vincent F. Zarrilli
Box 101
4 Garden Court
Boston, Massachusetts 02113

Dear Mr. Zarrilli:

Thank you for taking the time to write regarding the U.S. Supreme Court.

As a United States Senator, I am committed to serving the public interest and developing my stands on national issues based on their merits.

Your expression of views has helped me in this process. Through this type of communication, our democracy functions more efficiently.

You may be sure that I will keep your views very much before me in making decisions on issues which come before the 98th Congress. I appreciate your taking the time to apprise me of your views.

Sincerely,

Arlen Specter

AS/mft

NOTE:

The following pages which exhibit information relative to proposer's MASS LEGISLATIVE Bills are included because of the preventative value of H5444 JUDICIAL MERIT RETENTION. IT EMPHASIZES the CANONS OF JUDICIAL ETHICS

IT IS proposer's belief that greater public emphasis which can only be brought about by you the recipient, who is in a position to foster public discussion of the bill, can have many positive effects on the entire judicial system by:

(1) if enacted, create much more diligence at the court of first instance and thereby reduce reviewed cases

(2) reduce the judicial arrogance level that is the causative factor behind much questionable judicial behavior as evidenced by the articles below:

THE BOSTON GLOBE MONDAY, DECEMBER 3, 1984 51

R.I. chief justice defends friendship

A published report says Chief Justice Joseph Bevilacqua of the Rhode Island Supreme Court has been observed associating with convicted felons with alleged ties to organized crime. The Providence Sunday Journal reported that police and a newspaper reporter have seen the judge visit one convicted felon 17 times this year. Police also observed Bevilacqua's car at a shop owned by a convicted felon and saw the judge enter a clothing store described by a police officer as a "crime palace," the newspaper reported. Bevilacqua denied he has done anything wrong. He said Robert A. Barbato, a twice-convicted felon, is a personal friend of 20 years. The judge, in reply to a newspaper question, said his friendship with Barbato is open and the meetings "were not surreptitious." (UPI)

Providence paper urges judge to quit

10/6/84

United Press International

PROVIDENCE – Rhode Island's largest newspaper called yesterday for state Supreme Court Chief Justice Joseph A. Bevilacqua's resignation because of allegations he continues to associate with known criminals.

The Providence Journal-Bulletin, in an editorial, said Bevilacqua's conduct violated the judicial code of ethics which says judges should be beyond reproach.

NATIONAL CONFERENCE OF BLACK LAWYERS

March 23, 1983

Mr. Vincent F. Zarrilli
Box 101, 4 Garden Court
Boston, MA 02113

Dear Mr. Zarrilli:

Thank you for your letter of March 15, 1983 commenting on my observations pertaining to sexist judicial conduct.

I have reviewed with interest your proposed legislation for a Judicial Merit Retention System and I think such a system would do much to correct many of the "non-flagrant" errors our judges are guilty of.

Let me know what I can do to support your bill.

Very truly yours,

Margaret A. Burnham

Margaret A. Burnham
National Director

MAB:mae

126 West 119 Street, New York, New York 10026 212•864-4000

Box 101, 4 Garden Court
Boston, Massachusetts 02113
March 15, 1983

Margaret Burnham
Director - National Conference of Black Lawyers
126 West 119 Street
New York, New York

re: Judicial Accountability

Dear Ms. Burnham:

I read with interest a recent article (3/6/83) by Nick King of the Boston Globe where you were quoted as decrying the absence of consequences on the part of the judiciary for maintaining sexist attitudes from observations made while you held office in the Massachusetts Judiciary. The assumption is that your references were to male judges.

I herewith include a copy of House Bill #1313, Judicial Merit Retention, which I originated several years ago which seeks to hold all judges of the trial courts accountable for their courtroom activities in an equitable manner.

Its legislative history is essentially that it has never gone beyond the Joint Judiciary Committee which as you probably know is composed of approximately 15 lawyers.

While I have approached several sitting judges as well as 2 or 3 retired judges, no one has been willing to take a position. Kindred requests to the past president of the Masachusetts Bar Association (W. Budd and Carl Monecki and others) to publicly debate the issue have been greeted with silence.

The article quoted you as saying "that there are no consequences (in the Massachusetts Judiciary) for sexist attitudes", if accurate, this buttresses the basic argument underlying the need for enactment of my bill, i.e., there are virtually no consequences for anything apart from flagrant[1] misbehavior. The extraordinary broad term of judicial discretion encompasses abuses in the legal-reviewable sense only. Allegations of violations of the canons of judicial ethics have virtually no vehicle for public expression. Ironically it is the lack of adherence to the canons which I believe is the causative factor behind a significant percentage but certainly not all of reversed cases as the nature of law is such that even the very best judges can reasonably be reversed once or twice per year.

[1]The Massachusetts Commission on Judicial Conduct is usually effective in these rare situations but appears to rely on the news media to bring violations of this nature to its attention.

The point here is that your complaint supra would appear to be in direct confict with canons 2,3 (exhibit A of that portion of the American Bar Association's code adopted by the Commonwealth of Massachusetts via Supreme Judicial Court Rule 3.09. That canon mandates .... impartiality) yet the judges comment bespeaks anything but impartiality.

If you were the attorney representing the female defendent in the article, how would you raise the issue and to whom? An appelate court in 1983 would not consider it to be a meritworthy ground for review. If you have the effontry to raise it directly to the "old school" judge himself, he would probably deny it with great eloquence extolling his anti-sexist posture and then quickly find other grounds to defeat you.

Episodes of all kinds embracing this methodology and departure from principle take place innumerable times throughout this state, every other state and perhaps to a lesser but significant extent in the federal judiciary.

I submit that this state of affairs exists simply because there is no organized vehicle which allows the "witnesses" present in the courtroom to testify in a meaningful manner so that the preventative force of accountability is present at each hearing.

I do not represent the Judicial Merit Retention bill to be perfect. It requires input and modification but do maintain that it is a good start to an "old politics" system badly in need of refinement.

May I respectfully request your thoughts.

Very Truly Yours,

Vincent F. Zarrilli

Copies to various parties and organizations interested in judicial reform - names available on request.

Women judges tell of sexism

By Nick King
Globe Staff

One day not long ago, after unsuccessfully trying to stop two opposing attorneys from arguing, Massachusetts Appeals Court Judge Charlotte Anne Perretta stood up, declared she was taking the case under advisement and walked out of the courtroom.

"They wouldn't listen to me," she said yesterday, recalling her frustration and anger at being ignored by the two male lawyers.

Perretta's experience is hardly unique among the few female judges in Massachusetts. And yesterday, during a symposium at New England Law School in Boston, Perretta and two colleagues provided some unusual glimpses into the difficult and sometimes isolated lives they lead as women on the bench.

Not that being in the judiciary doesn't have its good points. Indeed, Perretta, US Administrative Law Judge Kathleen Ryan Dacey and recently resigned Boston Municipal Court Judge Margaret Burnham all described being a judge as challenging and rewarding.

But as a distinct minority – only about 20 of the more than 250 judges in Massachusetts are women – they said they often suffer the sexist consequences of being females in a male-dominated profession.

Sometimes the sex bias is subtle, sometimes obvious, albeit usually unintentional, they said. But always it is maddening and unfair to be, as Perretta put it, considered "less credible and less serious" simply because of gender.

Burnham told the story of one male judge who, in open court, first professed to be of "the old school," then went on to admonish the female defendant to resolve her family problems by renouncing her job and returning home.

"This is not past history, this is two or three weeks ago," said Burnham. "And the fact that the judge could speak his mind publicly shows the extent of the problem, that there are no consequences for sexist attitudes."

Burnham, who resigned her judgeship to become director of the New York-based National Conference of Black Lawyers, said the best way to change sexist attitudes in jurisprudence is to get more women on the bench.

Less than a decade ago, the entire population of female judges nationwide might have fit into the medium-sized classroom where yesterday's symposium on women and the law was held.

Today there are more than 800 members of the 5-year-old National Assn. of Women Judges, including charter member Sandra Day O'Connor of the United States Supreme Court. In addition, groups representing the growing ranks of women lawyers have sprung up in nearly every state.

Despite these gains, old attitudes persist, the judges said yesterday. By and large, women judges continue to lack influence in court administration and policy-making, have limited power in bar associations and witness what they view as tokenism on both the state and federal levels.

For instance President Ronald Reagan, although he appointed Justice O'Connor, has been sharply criticized for the few women he has named to federal court.

If the public, and women who have become judges and lawyers, would take a more active role in the bar, according to Burnham, this would make the profession more responsive and more accountable and ultimately produce a "gender-free jurisprudence."

Equality at the bench, however, would probably not end the isolation and loneliness that judges, whether women or men, oftentimes feel. Perretta said that while she loves her job as an appeals court judge, it is time consuming and her personal life "is in chaos."

And Burnham said there has been a sharp difference in the way people treat her since she resigned from the bench. "Having 'judge' in front of your name changes the way people approach you," she said. "I have friends now I didn't have before."

At the Supreme Judicial Court holden at Boston within and for said Commonwealth on the twenty-sixth day of June , in the year of our Lord one thousand nine hundred and eighty: present,

HON. EDWARD F. HENNESSEY, Chief Justice
HON. FRANCIS J. QUIRICO
HON. ROBERT BRAUCHER
HON. BENJAMIN KAPLAN
HON. HERBERT P. WILKINS
HON. PAUL J. LIACOS
HON. [illegible]) Justices

EXHIBIT A

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

(A) A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

(B) A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interests of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

(A) Adjudicative Responsibilities

(1) A judge should be faithful to the law and maintain professional competence in it. He should be

1984 MASS Legislature

HOUSE . . . . . No. 1094

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli for legislation to establish a modified judicial merit-retention system in order to determine annually if judges should continue to hold office. The Judiciary.

HOUSE . . . . . No. 1095

By Mr. DiMasi of Boston, petition of Vincent F. Zarrilli for legislation to require the tabulation of results of those cases heard by the Supreme Judicial Court and the Appeals Court. The Judiciary.

HOUSE . . . . . No. 1096

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli for legislation to define the crime of perjury. The Judiciary.

HOUSE . . . . . No. 1097

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli for legislation to require a statement of reasons to accompany the denial or dismissal of any motion on activity entered in the Appeals Court or Supreme Judicial Court. The Judiciary.

HOUSE . . . . . No. 1098

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli relative to increasing the salaries of the chief justice and each associate judge of the Appeals Court and the Supreme Judicial Court. The Judiciary.

HOUSE . . . . . No. 1099

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli relative to authorizing the Appeals Court to reinstate its judgment of dismissal in the case of Vincent F. Zarrilli vs. Capitol Bank and Trust Company. The Judiciary.

HOUSE . . . . . No. 1100

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli for legislation to increase the number of associate justices of the Supreme Judicial Court and the Appeals Court. The Judiciary.

SUPPORT "JUDGE THE JUDGES"

BILL H5444*

HOUSE . . . . . No. 5444

By Mr. DiMasi of Boston (by request), petition of Vincent Zarrilli for legislation to establish a modified judicial merit-retention system in order to determine annually if judges should continue to hold office. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-One.

AN ACT TO ESTABLISH A MODIFIED JUDICIAL MERIT-RETENTION SYSTEM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. A modified judicial merit-retention system shall be establishd in such a manner so as to each year conduct a referendum survey wherein each individual who has appeared in a District Court or Superior Court courtroom wherein judicial proceedings have transpired may participate in a survey wherein he or she may offer to the administrating agency a written and signed statement of reasons as to why any given judge should not hold office.

That said survey shall be written on forms supplied by the administrating agency and shall set forth that the participant has personal knowlege of the Code of Judicial Ethics and has no bias as standards in setting forth the above-mentioned statement of reasons.

That said tabulation shall be referred to a committee of ultimate authority composed of the judges of the Supreme Judicial Court and the Appellate Court to be known as the Supreme Court of Judicial Conduct on a basis of one judge one vote, who shall in turn issue a statement of reasons as to why any given judge who the attitude survey reveals has compiled 150 negative responses herein defined as an expression that the judge ought not to retain his office, has in fact been retained.

That the survey shall take place on the first of May every year and embrace each judge who has held office for six months.

That the entire procedure shall be complete by the first Tuesday after the first Monday in November of every year embodied in a report signed by each justice of the Supreme Court of Judicial Conduct.

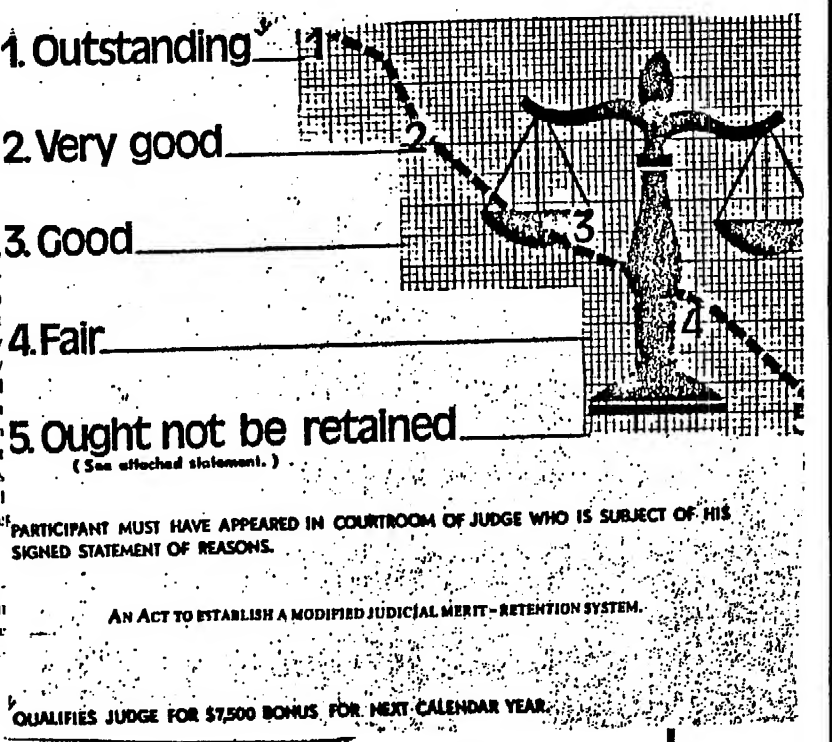
SECTION 2. That this Act shall also encompass a judicial attitude survey wherein such person who has appeared in a courtroom where judicial proceedings have transpired may register his or her opinion based on the canons of judicial ethics is to merit attainment of the specific presiding justice that such opinion be reflected on the following scale: (1) outstanding; (2) very good; (3) good; (4) fair; (5) see attached statement.

Any justice who receives a plurality of 500 or more designations of outstanding for two consecutive years shall receive additional compensation of $7,500.00 per year or each year of such designation retroactive to the first year of such designation.

SECTION 3. That any justice who has compiled 150 negative responses which is in fact affirmed by the Supreme Court of judicial conduct may retain the title and compensation of hitherto held provided that said justice assumes and discharges administrative matters under the aegis of the chief administrative justice with the assistance of chief justice or both the superior and district courts who at their discretion at the expiration of two years may by majority vote reassign said justice to courtroom activity or at any time for substantial cause discharge said justice from the judicial system in the entirety provided said discharge is affirmed by both the Supreme Court or Judicial Conduct and executive council who shall act within ninety days of notice of discharge. Failure to act within the specified time of either body shall be construed as affirmation in such a manner such that any discharge becomes final on the ninety-first day after the issuance of this notice of discharge by the chief administrative justice.

SECTION 4. All attorneys duly licensed by the Commonwealth and residing herein who have appeared in any courtroom proceeding shall participate in such survey. Any activity on the part of said attorneys deemed frivolous or in bad faith by a majority of the chief administrative justice, chief justice of the superior court or district court may be grounds for a disciplinary hearing by the Board of Overseers.

SECTION 5. The administrative arrangement for the bill shall be attended to by the Commission of Judicial Conduct who shall at all times be accountable to the chief administative justice of the trial courts.



Call your legislator right now!

Carrier convention center proposed

North End resident Vincent Zarrilli, who in early 1983 proposed converting a mothballed aircraft carrier into a prison facility and placing it in Boston Harbor, is at it again. This time it's a convention center he's after.

For Zarrilli, this is the third attempt he has made to bring a carrier to the harbor. In 1979 he proposed using a carrier as a parking garage.

Although Zarrilli's previous two proposals haven't panned out, he's not discouraged as is evident by a third proposal calling for a feasibility study of a multiple purpose project aimed at solving a multiplicity of problems in the North End/Waterfront section of Boston.

What Zarrilli is seeking is the conversion of a carrier into a combination small convention center—low cost parking garage in the water area between Union and Lewis Wharves.

Zarrilli claims the following points of his proposal should be weighed very carefully:

•The convention center could be housed in the hangar deck with contains approximately 60,000 square feet and exceeds three stories in height for about 180,000 sq. ft. of exhibit space.

•Below are five decks which the study might reveal could provide space for about 2500 vehicles including the many chartered tourist buses which presently clog already congested city streets from April until November.

•The earlier proposals for purposes of the study were never evaluated by qualified persons. In each case governmental employees with no successful entrepreneurial skills were left to make the decision; hence, the conept with its somewhat massive dimensions intimidated the decision makers. The "safest" approach was to say no. To the best of my knowledge, no input was ever solicited from the founding executives of any major corporations.

•Through a provision in the U.S. Code, 10 USC 7306 (1956), a governmental entity may acquire a surplus vessel at no charge from the U.S. Navy. The cost to the government back in the forties for an Essex or Hancock Class Carrier exceeded on billion dollars.

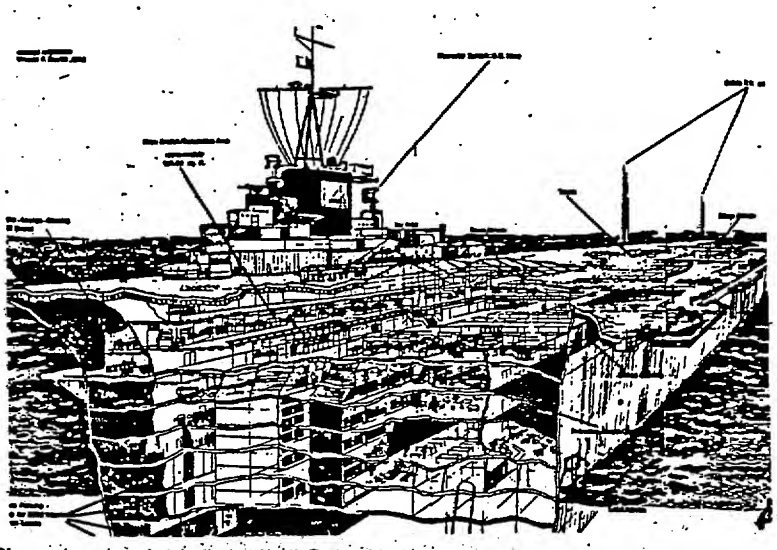
•Counting all the deck space, the entire area to be utilized might be between 25-30 acres. Consider the present day value of just three or four acres right on the Boston waterfront.

•Retail business in the North End has been steadily dropping for eight consecutive years. As more ground floor stores are converted to housing, the area is losing the charm of its ethnic character which continued unchecked, will be a loss to the entire metropolitan area. The parking problem (ticketing, towing, booting) which has dissuaded hundreds of thousands of regulars from visiting the North End is the core of the problem. A fast cost, $1 per day, would seem to be the only means of correction. Only a small portion of businesses can survive on resident's purchases. The high cost of housing virtually eliminates discretionary income.

•The resident sticker program, while welcomed by most residents, has exacerbated retail business losses. One of the possibilities of this proposal if determined feasible is to transfer all resident sticker parking to the carrier and meter all the streets, thus providing the city with substantial additional income and fostering retail business simultaneously.

•The bottom line to the convention industry on a national level is that most convention centers have embarked on expansion plans and in almost all cases must go father out to the outskirts of a city to acquire a site. Conventioneers prefer to stay in the city. This proposal, if feasible, enables visitors to stay right where the action is and literally walk from the proposed site to the Old North Church, Paul Revere's House, Old Ironsides, Bunker Hill, Quincy Market, Hotels and Downtown Crossing.

Zarrilli has submitted his plans to Mayor Ray Flynn and other local politicians seeking support for the carrier conversion proposal. Thus far, no one has openly supported or completely tossed out the idea.



Shown above is a sketch of what North End resident Vincent Zarrilli's proposal to convert an aircraft carrier into a convention center would look like. The plan has been submitted to Mayor Ray Flynn and other local politicians for their support of the plan to place a carrier between Union and Lewis Wharves.

NSIDE: *City looks for funds from tax-exemp*
sponsor an odd collection of bills

THE · BOSTON
TAB

December 4, 1984 Vol. 4, No. 14 72 pages

Study Possible of Plan to Create Floating North End Parking Facility

An unusual proposal to solve current parking problems in the North End by converting an old aircraft carrier to a convention center and 2,500-car garage at Sargent's Wharf has resurfaced again and is actually being contemplated by the city traffic and parking department.

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PHOTO BY PATRICE FLESCH

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North End

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Zarrilli, who says he has "a knack for bringing products into existence that never existed before," lobbied city officials unsuccessfully in 1978 to consider using a converted aircraft carrier as a floating prison. He is currently pressuring federal and state transportation officials to consider building a second deck on the central artery as an alternative to the plan currently before the U.S. Congress to fund the depression of the expressway. Zarrilli has also been petitioning selected members of the U.S. Senate to introduce legislation that would create a U.S. Court of Appeals to reduce the caseload of the U.S. Supreme Court.

DiMasi believes Zarrilli's latest plan has "obvious drawbacks," but has nevertheless asked the city to look at it. "I will look at anything to find a solution to the parking problem in the North End," he says. "The aircraft carrier would be unsightly, might cause more traffic conjestion and wouldn't fit in with the historical character of the North End, but I want the city to study the overall parking problem in the area."

Siegel, who notes that Zarrilli's parking plan was rebuffed during former mayor Kevin White's administration, says the city "ought to either fish or cut bait" on the plan. "Let's really honestly look at it," he says. 'If it looks feasible, we'll look into it more."

Siegel adds that his department will examine the cost of transporting an aircraft carrier to Boston; how the vessel would be moored; the cost of converting it to a parking facility and convention center, and how much revenue it would generate for the city.

U.S. SUPREME COURT

Vincent F. Zarrilli vs Jonathan Randall, et al.	Case # 82-6281

APPELLANT'S MOTION FOR REHEARING

Now comes the Appellant Vincent F. Zarrilli pursuant to Rule 51, Rules of the United States Supreme Court requesting that the honorable court reconsider his denied petition for certiorari to the United States Court of Appeals For The First Circuit for the reasons listed below.

This petition sought to reverse the First Circuit Court of Appeals in Case # 82-1519 which in turn sought to rescue case #81-1782, First Circuit Court of Appeals and its trial court counterpart U.S. 78-1651-T. In this original action, petitioner sought vindication of wrongful actions of judges and other state parties for a series of invasions of legally protected interests. To accomplish this it was necessary to pierce the wall of both judicial and sovereign immunity which was verifiably accom-

NOTE
69 pages of supporting exhibits not included

plished in the 81-1782 brief (included in appendix).

An amendment to the Complaint by Affidavit (see Exhibit page AP1) filed pursuant to Rule 15 and fully consistent with its theory, spirit and decisional law was not allowed by Judge Tauro (Exhibit page AP15) who is also pictured in journalistic detail in Exhibit page). The first Appeal, #81-1782, failed as the First Circuit Court noted in its order (Exhibit page AP14) that it could not consider the Affidavit since Judge Tauro had never allowed it, no statement of reasons was ever given for this denial.

Petitioner having spent a great deal of time and effort on the two immunity issues, as is obvious in the 81-1782 Appeal, and believed that he had overcome them, then went forward on a separate appeal # 82-1519, First Circuit Court of Appeals to establish an abuse of discretion in the non-allowance of the critical Affidavit (See Appendix at AP 2-8) for the purpose of gaining a retroactive allowance so that the Appeals Court could take up

81-1782 again and consider the Affidavit. The First Circuit Court dismissed 82-1519 with no opinion, by summary affirmance. The instant petition for certiorari sought to reverse that judgment.

Petitioner believed that had his petition been reviewed on the merits in this court he would have prevailed. The issue now becomes:

> Why was this case not heard on the merits in the court of last resort, the U.S. Supreme Court?

Petitioner believes that the substantial grounds provision of Rule 51 U.S.Supreme Court rules can be invoked to encompass the following analysis of the factors affecting the denial of justice to both himself and approximately 5,000 other disgruntled petitioners for the October 1982 term. Since the breadth of factors covers so much, petitioner deems

it most efficient to present argument in the form of propositions.

PROPOSITION 1

All United States Petitioners have the inherent right to have their properly presented cases heard on the merits by the U.S. Supreme Court and at the very least, all denied petitions should be accompanied by a brief statement of reasons.

PROPOSITION 2

The National Judicial mania to clear the docket is causing untold thousands of litigants substantial harm which has no organized voice of protest but is operating to nationally lower the esteem of the judiciary and is harmful to the country as a whole.

PROPOSITION 3

Along with the rise in crime there has been a corresponding rise in judicial misconduct of varying degrees which further tends to bring the judiciary into a state of lowered esteem (see Appendix, pages 17-36).

PROPOSITION 4

The U.S. Supreme Court with its 5311 new cases in the 1982 term and its rendering of 141 opinions is a disillusioning example of mismanagement and a poor model for all other courts.

PROPOSITION 5

All proposals for remedying the situation in the U.S. Supreme Court including the present proposed bill - Chapter 4 Sec. 602(a) Part I of Title 28 U.S. Code fall enormously short

of providing an optimal solution.

PROPOSITION 6

The basic underlying problem is the failure of those who bear the responsibility to face up and verbalize the fact that a crisis calling for what might appear to be drastic solutions does in fact exist.

PROPOSITION 7

That the establishment of the above referred to Chapter 4 Sec. 602 etc. will at best solve a small portion of the U.S. Supreme Court's problems as originally proposed - a Chancellor and 26 new judges.

PROPOSITION 8

That the optimal solution lies mainly in increasing the number of judges to a figure

which can adequately and comfortably handle not only the present caseload but the increased projected caseload which should rise much higher as the current recession subsides.

PROPOSITION 9

That the shocking figure is between 60-80 judgeships.

PROPOSITION 10

That none, or at best very few, of the above of necessity should be absorbed from the existing U.S. Courts of Appeals so that the new National Court of Appeals has a brand new start absent any conditioning.

PROPOSITION 11

That the staffing can easily be accomplished by inviting applications from bright scholarly

lawyers with 8-10 years of litigation practice.

PROPOSITION 12

That each applicant must demonstrate having achieved existing proficiency in the usage of a personal computer so as to keep track of the numerous data which must be digested.

PROPOSITION 13

That the figure of 60-80 new associate judges of petitioner's instant proposal for the National Court of Appeals is to be divided into specialty sections for expertise development in adjudicating:

1) Intercircuit conflicts

2) Intracircuit conflicts

3) Multinational issues

4) Environmental issues

5) Energy issues

6) Tax issues

7) Women's rights issues

8) Prisoner's issues

9) Employment and tenure issues

10) Tax revenue issues

11) Minority issues

12) Outer space issues

13) 42 U.S. Code 1983 issues

14) Computer error issues

15) General issues not encompassed by this partial listing of relatively new specialty litigation.

PROPOSITION 14

That the proposed legislation, supra, and its contemplation of 26 judges regardless of how capable they may be is inadequate to comfortably and diligently handle the above listing.

PROPOSITION 15

That if that legislation is enacted, it will be recognized to have been grossly insufficient when implementation is complete and the new court hears its first case.

PROPOSITION 16

That the analogy cited by Chief Justice Burger in his address to the A.L.I. 5/17/83 (Appendix page 37, 38) to wit "The farm boy and his pony, etc." as used to characterized an "unmanageable" problem omitted the compelling possibility that the 1200 pound horse could have been picked up had the farm boy enlisted the assistance of at least 12-18 farm boys and farm girls from the neighboring farms and in so doing increase both the strength of each individual as well as the entire young farmers' team.

PROPOSITION 17

That there is no logical consistency in dealing with a crisis situation with a piecemeal plan and the best interests of the nation as a whole are subserved by my reluctance to identify each contributing element and emerge with a viable, optimal plan.

PROPOSITION 18

That in the light of the new law - the Omnibus Judgeship Act which authorized 850 new federal judges, petitionersproposal for 60-80 new review court judges or 10% is not unreasonable.

PROPOSITION 19

With the facility acquisition, management structure, regulations, procedural rules formation, and every other factor affecting a new court is far easier to accomplish at the outset than adding by bits and pieces subsequently.

PROPOSITION 20

That the executive staff of any new national court of appeals be composed largely of persons with no previous court experience but reasonable experience from the field of Corporate Management and data processing.

PROPOSITION 21

That judges themselves however capable they may be at decision-making are not always equally adept in administrative matters and tend to look for precedents as a basis for their comments in these matters as well and since there are no precedents for the factors forming the present problem are often somewhat confused.

PROPOSITION 22

That any feasibility study deemed necessary to provide the basis for any legislation to

provide proper review and confine the Supreme Court to 80 to 100 signed opinions in any one year, be effectuated by firms recommended by the American Institute of Management who may have no background in court administration.

PROPOSITION 23

That while the factors affecting the inception of litigation in the Court of First Instance are beyond the influence of the Supreme Court, the mounting tide of litigation in all courts of review may be somewhat diminished by the Supreme Court's commenting on the various proposals aimed at increased judicial accountability including judicial merit retention as proposed to the Mass. Legislature and incorporated in petitioner's letter to ex-Judge Barnham (Appendix , page 41-46) who endorsed it (Appendix page 46).

PROPOSITION 24

That some trial judges on a national level do not always perform diligently. Knowing that likelihood of reversal by a court of review is remote, all factors considered, cost, time, etc. Beyond this, if reversal should take place there is no methodology for public awareness. Petitioner's remedy for this is H-1312 (Appendix page 45). If it were to become law in all states and the federal level, it might tend to reduce applications for review generally as a greater degree of diligence at the court of first instance has been constructively "mandated." And some judges have reason to no longer view the courts of review as a "dumping ground."

PROPOSITION 25

That the Canons of Judicial Ethics (Appendix page 52-68) which are a part of the basis of

petitioner's judicial merit retention bill are flaunted thousands of times daily in courtrooms from Maine to Alaska and part of the litigation engulfment on all courts of review and ultimately on the U.S. Supreme Court result from this paradox. The focusing of attention by the U.S. Supreme Court on this venerable but disrespected body of law may have surprising results. At the very least it will elevate public confidence in the judicial courtroom conduct control system.

PROPOSITION 26

That the vastly increased use of the summary disposition calendar in courts of review is in many cases basically unfair and nothing more than the use of proper and accepted terminology to deny people of rights under color of law.

PROPOSITION 27

That the track record of the Mass. Appeals Court, an intermediate court of review formed in 1972 to reduce the load on the Mass. Supreme Judicial Court, forms an example in support of petitioner's arguments. This court was formed in 1972 with six judges. It now in June 1983 has 13. The number of summary dispositions has increased substantially. The lack of a sufficient number of judges and specific areas of expertise may influence its summary calendar dispositions. See Zarrilli vs. Capitol Bank et al., U.S. Supreme Court Term 1981 cert. application denied, where the dismissal by the Mass. Appeals Court may have been influenced by unwanted complexity. Massachusetts has 5.5 million residents which this Appeals Court serves with 13 judges. This figure is less than 2% of the number of people the new proposed inter circuit court is supposed to serve with 26 judges and sub-

stantially more complex litigation.

PRAYERS

That since the instant case deals with actionable judicial misconduct of which there is a paucity of cases reaching this court and since the tangential material in these papers buttresses his pleadings,that the honorable court grant certiorari, hear the case on the merits andreverse the First Circuit Court in 82-1519 with instructions that that Affidavit should have been allowed.

In the alternative, recall the mandates in both 81-1782 and its companion case 82-1519 and hear both on the merits.

In the more remote alternative, consider to prove or disprove your petitioner's views on poor judgepersonship by recalling Zarrilli vs. Capitol Bank et al. and deciding on the merits whether the Mass. Appeals Court and Mass. Supreme Judicial Court erred.

Respectfully submitted,

The Petitioner, pro se
Vincent F. Zarrilli
Box 101, 4 Garden Court
Boston, MA 02113
(617) 523-9210 (617) 723-7163

INSIDE: *City looks for funds from tax-exemp*
sponsor an odd collection of bills

THE · BOSTON
TAB

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UN related material
re — V. Zarrilli

Carrier convention center proposed

North End resident Vincent Zarrilli, who in early 1983 proposed converting a mothballed aircraft carrier into a prison facility and placing it in Boston Harbor, is at it again. This time it's a convention center he's after.

For Zarrilli, this is the third attempt he has made to bring a carrier to the harbor. In 1979 he proposed using a carrier as a parking garage.

Although Zarrilli's previous two proposals haven't panned out, he's not discouraged as is evident by a third proposal calling for a feasibility study of a multiple purpose project aimed at solving a multiplicity of problems in the North End/Waterfront section of Boston.

What Zarrilli is seeking is the conversion of a carrier into a combination small convention center—low cost parking garage in the water area between Union and Lewis Wharves.

Zarrilli claims the following points of his proposal should be weighed very carefully:

•The convention center could be housed in the hangar deck with contains approximately 60,000 square feet and exceeds three stories in height for about 180,000 sq. ft. of exhibit space.

•Below are five decks which the study might reveal could provide space for about 2500 vehicles including the many chartered tourist buses which presently clog already congested city streets from April until November.

•The earlier proposals for purposes of the study were never evaluated by qualified persons. In each case governmental employees with no successful entrepreneurial skills were left to make the decision; hence, the concept with its somewhat massive dimensions intimidated the decision makers. The "safest" approach was to say no. To the best of my knowledge, no input was ever solicited from the founding executives of any major corporations.

•Through a provision in the U.S. Code, 10 USC 7309 (1956), a governmental entity may acquire a surplus vessel at no charge from the U.S. Navy. The cost to the government back in the forties for an Essex or Hancock Class Carrier exceeded on billion dollars.

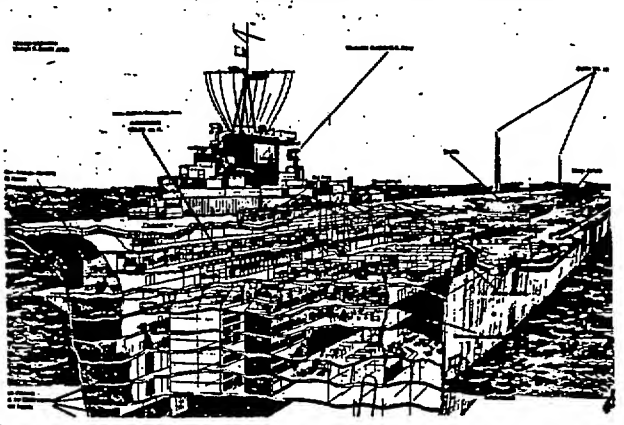
•Counting all the deck space, the entire area to be utilized might be between 25-30 acres. Consider the present day value of just three or four acres right on the Boston waterfront.

•Retail business in the North End has been steadily dropping for eight consecutive years. As more ground floor stores are converted to housing, the area is losing the charm of its ethnic character which continued unchecked, will be a loss to the entire metropolitan area. The parking problem (ticketing, towing, booting) which has dissuaded hundreds of thousands of regulars from visiting the North End is the core of the problem. A lost cost, $1 per day, would seem to be the only means of correction. Only a small portion of businesses can survive on resident's purchases. The high cost of housing virtually eliminates discretionary income.

•The resident sticker program, while welcomed by most residents, has exacerbated retail business losses. One of the possibilities of this proposal if determined feasible is to transfer all resident sticker parking to the carrier and meter all the streets, thus providing the city with substantial additional income and fostering retail business simultaneously.

•The bottom line to the convention industry on a national level is that most convention centers have embarked on expansion plans and in almost all cases must go father out to the outskirts of a city to acquire a site. Conventioneers prefer to stay in the city. This proposal, if feasible, enables visitors to stay right where the action is and literally walk from the proposed site to the Old North Church, Paul Revere's House, Old Ironsides, Bunker Hill, Quincy Market, Hotels and Downtown Crossing.

Zarrilli has submitted his plans to Mayor Ray Flynn and other local politicians seeking support for the carrier conversion proposal. Thus far, no one has openly supported or completely tossed out the idea.



Shown above is a sketch of what North End resident Vincent Zarrilli's proposal to convert an aircraft carrier into a convention center would look like. The plan has been submitted to Mayor Ray Flynn and other local politicians for their support of the plan to place a carrier between Union and Lewis Wharves.

Unrelated material re — V. Zarrilli